



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/595,835

03/08/2007

David S. Seitz

58012US005

7491

32692

7590

08/13/2009

3M INNOVATIVE PROPERTIES COMPANY

PO BOX 33427

ST. PAUL, MN 55133-3427

EXAMINER

NORDMEYER, PATRICIA L

ART UNIT

PAPER NUMBER

1794

NOTIFICATION DATE

DELIVERY MODE

08/13/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com

LegalDocketing@mmm.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,835	<b>Applicant(s)</b> SEITZ ET AL.	
	<b>Examiner</b> Patricia L. Nordmeyer	<b>Art Unit</b> 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 33-52 is/are pending in the application.
- 4a) Of the above claim(s) 39-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/14/06</u>   | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 1794

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I, claims 33 - 38 in the reply filed on July 8, 2009 is acknowledged. The traversal is on the ground(s) that claim 33 is patentable over WO 00/69985. This is not found persuasive because WO 00/69985 discloses the claimed invention as shown by the rejections below.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 33 – 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrases “a piece of paper comprising fibers and having a release side free of a structural support layer”, “wherein said release material does not form a structural support layer” and “wherein a structural support layer is a continuous plastic layer that is capable of having a structured pattern plastically formed therein, where the pattern is either completely contained within the layer of plastic or the plastic layer is thin enough that the pattern is at least partially formed in the paper core as well as the layer of plastic, and the layer of plastic could be separated from, or produced separately from, the paper core in one piece” in claim 1 are unclear, which

Art Unit: 1794

render the claim vague and indefinite. It is unclear from the claim language what the structure of the release liner is supposed to be. The language states that there is not a structural support layer, goes onto define the term structural support layer, but also claims that there is release material bonded to the surface of the paper. How can a layer be bonded to the paper when it isn't suppose to be there?

Claims 34 – 38 are also rejected under 25 U.S.C. 112 2<sup>nd</sup> paragraph due to their dependency on the above rejected claim

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 33 – 38 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/69985.

WO 00/69985 discloses a structured paper release liner (Page 13, lines 12 – 18) for use with an article backed with a pressure sensitive adhesive (Page 13, lines 12 and 13), said liner comprising: a piece of paper comprising fibers and having a release side free of a structural support layer (Page 13, lines 12 – 19), a back side (Figure 8), and a structured release surface having a pattern formed into, so as to deform the fibers of said paper on said release side (Figure

Art Unit: 1794

8); and a release material bonded to said structured release surface of said paper, wherein said release material does not form a structural support layer (Page 13, lines 18 – 22), wherein a structural support layer is a continuous plastic layer that is capable of having a structured pattern plastically formed therein, where the pattern is either completely contained within the layer of plastic or the plastic layer is thin enough that the pattern is at least partially formed in the paper core as well as the layer of plastic, and the layer of plastic could be separated from, or produced separately from, the paper core in one piece, and wherein the pattern formed in said paper is dimensioned so as to form fluid egress channels in a bonding surface of the pressure sensitive adhesive (Page 13, lines 12 – 23), when the pressure sensitive adhesive is applied to said structured release surface or said structured release surface is forced into the bonding surface of the pressure sensitive adhesive, such that the fluid egress channels define a structured bonding surface having exit pathways for at least some of the fluid to bleed out from behind the article when the article is adhered to a substrate (Abstract) as in claim 33. With regards to claim 34 the pattern comprises a plurality of outwardly extending protrusions that are sized and shaped so as to penetrate and form fluid egress channels in the pressure sensitive adhesive that is applied onto said structured release surface (Figure 8; Abstract). For claim 35, the pattern formed in said paper on said release side is a contiguous square pyramidal pattern with a shallow angle  $\alpha$  of up to about 45 degrees (Page 10, lines 10 - 13). Regarding claim 36, the paper further comprises a support material on said back side of said paper (Page 13, lines 14 – 16). As in claim 37, the back side of said paper is relatively flat (Figure 8). With regards to claim 38, the structured release surface is a microstructured release surface (Abstract).

Art Unit: 1794

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571)272-1496. The examiner can normally be reached on Mon.-Fri. from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Sample can be reached on (571) 272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patricia L. Nordmeyer  
Primary Examiner  
Art Unit 1794

/Patricia L. Nordmeyer/  
Primary Examiner, Art Unit 1794